

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>RELVEY ESQUIVEL,</b>	§	
Petitioner,	§	
v.	§	<b>No. 3:08-CR-0174-L-BH</b>
	§	
<b>UNITED STATES OF AMERICA,</b>	§	
Respondent.	§	

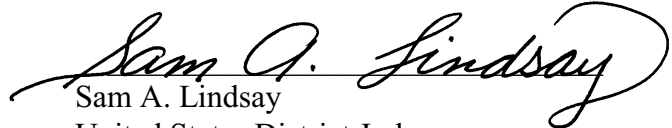
**ORDER**

Before the court is Relvy Esquivel's ("Esquivel" or "Defendant") amended Formal Motion in Request of Special Dispensation Toward Sentence Relief with Consideration for Downward Departure Through Fast-Track All in Accordance With and Pursuant to Eligibility Factors Prescribed under § 3553, 3582, filed on September 25, 2012, which this court liberally construes as a motion to modify a sentence under 18 U.S.C. § 3582(c). The case was referred to Magistrate Judge Irma C. Ramirez, who entered Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report"), on September 28, 2012, recommending that the motion be denied. No objections to the Report were filed.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, Esquivel's motion to modify his sentence pursuant to 18 U.S.C. § 3582(c) is **denied with prejudice**.

In the event that Defendant files a notice of appeal, he must pay the \$455 appellate filing fee or submit a motion to proceed *in forma pauperis* ("IFP"), unless he has been granted IFP status by the district court.

**It is so ordered** this 31st day of October, 2012.

  
Sam A. Lindsay  
United States District Judge